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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ALASKA INDUSTRIAL
DEVELOPMENT AND EXPORT
AUTHORITY,

Plaintiff,

vs.

U.S. DEPARTMENT OF THE
INTERIOR, DEB HAALAND, in her
capacity as Secretary of the
Department of the Interior, BUREAU
OF LAND MANAGEMENT, and
TRACY STONE-MANNING, in her
official capacity as Director of the
Bureau of Land Management,

Defendants.

Case No.: 3:24-cv-00051-SLG

**NOTICE OF WITHDRAWAL WITHOUT PREJUDICE OF PLAINTIFF'S MOTION
FOR STAY OF AGENCY ACTION OR PRELIMINARY INJUNCTION**

Plaintiff Alaska Industrial Development & Export Authority ("AIDEA") hereby withdraws without prejudice its Motion for a Stay of Agency Action or Preliminary Injunction in Order to Preserve Status Quo, ECF No. 85. This withdrawal is made pursuant to commitments made by Federal Defendants and accepted by Plaintiff that temporarily preserve the status quo, eliminating the need for additional interim relief from the Court at this time, while reserving the right of Plaintiff to re-file this motion before the temporary commitments expire. See Federal Defendants' Unopposed Motion for Extension of Time, ECF No. 86 at 2 (detailing Federal Defendants' commitments).

AIDEA filed its Motion for Stay of Agency Action or for Preliminary Injunction to protect its interest in the acres of the Coastal Plain previously leased to AIDEA in the agreements that are the subject of this litigation; Federal Defendants had announced their intent to include some of those acres in the upcoming second lease sale.¹ AIDEA advised the Court that it was filing the Motion on November 25, 2024 because of the short period of time before the anticipated mid-December lease sale, but that AIDEA would meet and confer with counsel for Federal Defendants on December 5, 2024 and inform the Court if those discussions alleviated the need for a decision on this motion for interim relief.²

¹ See Motion for Stay or Preliminary Injunction, ECF No. 85, at 3.

² *Id.*

AIDEA and Federal Defendants reached the agreement described in Federal Defendants' Unopposed Motion for Extension of time, ECF No. 86, at 2. Specifically, AIDEA agrees to withdraw, without prejudice, its Motion for Stay of Agency Action or Preliminary Injunction and Federal Defendants agree to refrain from accepting high bids from, or issuing leases to, third parties for any of the acres covered by AIDEA's former lease agreements until either of two outcomes: 1) the Court issues a ruling on the parties' motions for summary judgment, ECF Nos. 50, 52, 53, 59, 66, 75 (as corrected at 80-1), and 78; or 2) 84 days pass from the date of opening bids for the second lease sale.³ Federal Defendants and AIDEA have further agreed that, if the Court has not issued its ruling on summary judgment within 45-days after the date of opening bids, AIDEA may refile its motion for preliminary injunction and Federal Defendants and AIDEA will proceed to brief the motion in a manner allowing for a ruling prior to the 84th day after bid opening.⁴

AIDEA's withdrawal of its present Motion does not subordinate AIDEA's interests to those of any potential bidders in the upcoming second oil and gas lease sale. Whether or not Federal Defendants ultimately refrain from accepting high bids

³ Federal Defendants published notice of the lease sale in the Federal Register on December 10, 2024. That notice provides that the bid opening for the second oil and gas lease sale will occur 30 days after publication in the Federal Register on January 9, 2025. That notice is available electronically as follows: <https://www.govinfo.gov/content/pkg/FR-2024-12-10/pdf/2024-28989.pdf>

⁴ This agreement does not restrict the parties' ability to assert any and all claims or defenses in any further proceedings in this case or other litigation.

or issuing leases to third parties, AIDEA asserts that it holds the paramount leasehold interest due to its leases (issued in January, 2021) being first in time.⁵

For the reasons discussed above, AIDEA hereby withdraws without prejudice its Motion for Stay of Agency Action or for Preliminary Injunction.

DATED this 10th day of December, 2024.

BIRCH HORTON BITTNER & CHEROT
Attorneys for Plaintiff

By: /s/ James H. Lister

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 10th day of December, 2024, a true and correct copy of the foregoing was served on the following via the Court's CM/ECF electronic delivery system:

BIRCH HORTON BITTNER & CHEROT

By: /s/ James H. Lister

⁵ Federal Defendants have separately further agreed to keep information regarding AIDEA's lawsuit challenging the cancellation of its leases in the public file for the lease sale throughout the duration of this litigation, including any appeals.